

1
2
3
4
5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 UNITED STATES OF AMERICA,) NO. CR14-5180BHS
9)
10 Plaintiff,)
11 vs.) ORDER GRANTING JOINT MOTION
12) TO EXTEND TIME TO FILE
13) INDICTMENT UNDER SPEEDY
14) TRIAL ACT
15)
16)
17)
18)
19)
20)
21)
22)
23)
24)
25)
26)

The Court having considered the parties' Joint Motion to Extend Time to File Indictment Under Speedy Trial Act finds that:

1. Mr. Roberto Alfaro-Pineda is charged by Felony Information with one count of Illegal Reentry After Deportation, alleged to have occurred on or about August 10, 2013, in violation of Title 8, United States Code, Section 1326(a). Defendant was arrested and made his Initial Appearance on April 17, 2014, at which time defendant pled not guilty and the Court ordered that he be held in custody pending further proceedings.

2. Under the Speedy Trial Act, an Indictment charging a defendant must be filed within 30 days from the date on which the defendant was arrested or served with a summons in connection with such charges. 18 U.S.C. § 3161(b). Hence, at the present time, the United States must obtain an Indictment in this case on or before May 16, 2014, to meet the requirements of the Speedy Trial Act.

ORDER GRANTING JOINT MOTION
TO EXTEND TIME TO FILE INDICTMENT
UNDER SPEEDY TRIAL ACT
United States v. Alfaro-Pineda; CR14-5180BHS

1 3. According to attorneys, counsel asserts it is diligently conducting an
2 investigation into Mr. Alfaro-Pineda's prior criminal record and the circumstances
3 surrounding his situation at the time of his alleged offense. The defense states that it
4 requires additional time to conduct additional and independent investigation. The parties
5 believe that this entire process will not be completed by the expiration of the time to
6 obtain an Indictment. The defense further believes that the results of this investigation
7 will be essential to preparing his defense, and may facilitate a resolution of this matter
8 under the Government "fast track" settlement policy for reentry offenses, which is
9 generally favorable to defendants charged with Illegal Reentry offenses. If Mr. Alfaro-
10 Pineda is indicted before a potential settlement is reached, however, he may lose his
11 eligibility for the benefits of the fast track program.

12 4. The parties are seeking an Order continuing the time within which an Indictment
13 must be filed on the ground that the "ends of justice served by taking such action outweigh
14 the best interests of the public and the defendant in a speedy trial," as permitted by 18
15 U.S.C. §§ 3161(h)(7)(A), (B)(i) and (B)(iv).

16 5. The parties agree that the defense's investigation remains incomplete and the
17 failure to grant this extension would deny the defense the reasonable time necessary for
18 adequate and effective preparation, taking into account the exercise of due diligence. The
19 parties agree that denial of an extension also would result in a miscarriage of justice.

20 6. The defendant has executed a Waiver of Speedy Indictment waiving rights
21 under the Sixth Amendment and the Speedy Trial Act, 18 U.S.C. §§ 3161-3174 in this
22 regard, and has further agreed that the period from May 16, 2014, until July 30, 2014,
23 shall be an excludable period of time under the Speedy Trial Act pursuant to 18 U.S.C. §
24 3161(h)(7)(A).

1 7. This is the first request for an extension of the Speedy Trial Act in this case.

2 For all the reasons set forth in the parties' motion, the Court finds that the ends of
3 justice served by a continuance outweigh the best interests of the public and the defendant
4 in a speedy trial under the Speedy Trial Act, 18 U.S.C. § 3161.

5 In light of the foregoing, IT IS HEREBY ORDERED that the time to file an
6 indictment in this matter be continued to July 30, 2014. The period of delay resulting
7 from this continuance from May 16, 2014, up to and including July 30, 2014, is hereby
8 excluded for speedy trial purposes under 18 U.S.C. § 3161(h)(7).

9 DONE this 24th day of April, 2014.

10
11
12
13 

14 BENJAMIN H. SETTLE
15 United States District Judge

16
17
18
19 Presented by:

20
21 s/ Colin Fieman

22 COLIN FIEMAN
23 Attorney for Defendant

24 s/ Amy Jaquette

25 AMY JAQUETTE
26 Assistant United States Attorney

ORDER GRANTING JOINT MOTION
TO EXTEND TIME TO FILE INDICTMENT
UNDER SPEEDY TRIAL ACT
United States v. Alfaro-Pineda; CR14-5180BHS